

a top coupled with said second end of said sidewall section, said top forming an opening sized for receiving a fish, said top having an upper surface projecting inwardly from a portion of said sidewall section to cover a portion of said interior compartment; and

C3  
cancel.

a baffle coupled with said sidewall section, said baffle having first and second surfaces, said first surface extending generally horizontally from said sidewall section inwardly into said interior compartment, said second surface extending outwardly toward said sidewall section to form an upper section between said baffle and said top whereby said upper section is capable of retaining water near said top of compartment regardless of the movement of the boat so that sloshing within the compartment is minimized.

C4

15. (Twice Amended) The livewell tank of claim 12, wherein said first surface is generally planar and said second surface is curved.

#### Remarks

Reconsideration of the present application is respectfully requested. Claims 1, 7, 12 and 15 have been amended. No new matter has been added. Claims 1-4, 6-9, 11-13, 15-19 and 21 are pending in the application.

Claims 1, 2, 4, 6-9, 11-13, 15-19 and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,968,887 to Woolworth ("the Woolworth reference"). Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Woolworth reference. Applicants respectfully traverse these rejections.

The invention of claims 1 and 12 relate to a livewell tank having an interior compartment defined by a bottom a sidewall section extending from the body. The tank includes a top forming an opening for receiving fish and having an upper surface projecting inwardly from the sidewall section to cover a portion of the compartment. A baffle is coupled to the sidewall section and has first and second surfaces that extend into the interior compartment to form an upper section between the baffle and the top. Claim 1 further includes an overflow drain is coupled the sidewall section between the top and the baffle. By providing a construction in accordance with claims 1 and 12, numerous advantages are realized. For example, the upper section of the live well is capable of retaining water near the top of the interior compartment regardless of the movement of the boat so that sloshing within the compartment is minimized. Thus, the turbulent flow within the tank is significantly reduced and the fish are maintained in a safe environment.

None of the references of record either, when considered singly or in combination with one another, show or suggest a live well with a baffle having a second surface that extends outwardly toward a sidewall section to form an upper section of an interior compartment as recited in claims 1 and 12. The Woolworth reference is directed toward a one-piece floating bait bucket having a ring mounted to the upper rim to keep the bucket afloat when placed in a body of water. A plurality of passages are formed in the ring around the circumference of the bucket.

The invention of claims 1 and 12 require a baffle having a second surface that extends outwardly toward a sidewall section to form an upper section of an interior compartment. In rejecting the claim, the Examiner relied upon the Woolworth reference for the teaching of a baffle stating that the ring is "coupled to a sidewall section and extending inwardly from the sidewall section into the interior compartment." (Page 3, lines 3-4). However, the ring is used as a floatation device, and not as a baffle. The Woolworth reference states that "the density and volume of the ring

are selected to provide floatation.” (Col. 2, lines 23-24). Instead, the passages are bounded by a multiplicity of small indentations or pockets formed by cutting into the ring that retards sloshing within the bucket. (Col. 2, lines 60-62). Therefore, the Woolworth utilizes the passages to reduce the sloshing of the water within the bucket, not the floatation ring. Even if the floatation ring in the Woolworth reference is considered a baffle, the ring does not extend outwardly towards the sidewall section to form an upper section of the interior compartment. Specifically, the cross-section of the ring is approximately the shape of a quadrant of a circle extending from the sidewall to the top of the bucket (Col. 2, lines 14-21). Given the fact that the ring does not extend inwardly toward the interior compartment and then outwardly toward the sidewall, the Woolworth reference does not include an upper section of the interior compartment that is used to minimize sloshing. The Woolworth reference merely provides for a single compartment that has a smaller diameter located at the rim of the bucket.

Furthermore, none of the references of record either, when considered singly or in combination with one another, show or suggest a live well with a overflow drain coupled with the sidewall section of the tank between the top and the baffle as recited in claim 1. The Examiner relied upon Woolworth for the teaching of an overflow drain by referring to the passageways formed in the bucket. The passageways referred to by the Examiner are not positioned between the baffle and the top of the bucket, but instead are formed in the floatation ring. As stated above, there is no upper section formed in the interior compartment since the floatation ring extends to the top of the bucket. Therefore, the passageways in the Woolworth reference could not be placed between the floatation because there is simply no space between the ring and the top of the bucket.

Since none of the references to teach or suggest all of the limitations in independent claims 1 and 12, Applicants respectfully request withdrawal of the § 102(b) rejection of claims 1 and

12. As claims 2-4, 6-9, 11, 13, 15-19 and 21 depend either directly or indirectly from claim 1, these claims are believed to be in condition for allowance for at least the above cited reasons. As such, Applicants respectfully request withdrawal of the § 102(b) rejection of claims 2-4, 6-9, 11, 13, 15-19 and 21 as well. Each of claims 1, 2-4, 6-9, 11-13, 15-19 and 21 are believed to be in condition for allowance and such favorable action is respectfully requested.

Dependent claims 2-4, 6-9, 11, 13, 15-19 and 21 recite additional features of the inventive construction and are further distinguishable from the references of record. For example, claim 4 provides for a front wall directed in the direction of forward motion of the boat wherein the overflow drain is coupled with the front wall. In contrast, the passageways in the Woolworth reference are spaced from one another around the entire circumference of the bucket. (Col. 2, lines 32-34). Thus, when the boat moves forward, the water in the bucket will move up the rear wall and flow outwardly through the passageways formed in the back portion of the bucket. The positioning of the passageways in the Woolworth reference highlights the problem the present invention intends to solve which is to keep the water within the interior compartment of the tank.

In addition, none of the references of record teach or suggest a ledge surface extending outwardly from the sidewall section as recited in claims 8 and 18. The sidewall in the Woolworth reference extends vertically and has a rim resting thereon. There is nothing that even resembles a ledge that is provided in the present invention. Thus, dependant claims 4, 8 and 18 should be allowed for these additional reasons.

### **Conclusion**

Applicants respectfully submit that the application as amended is in condition for allowance and request such favorable action. Should the Examiner believe any issues are outstanding, the Examiner is encouraged to call the undersigned at (816) 474-6550.

Attached hereto is a marked-up version illustrating the changes made to the claims by virtue of the current amendment. The attached page is captioned “Version with markings to show changes made.”

Respectfully submitted,



William B. Kircher  
Reg. No. 22,481

WBK  
SHOOK, HARDY & BACON L.L.P.  
One Kansas City Place  
1200 Main Street  
Kansas City, Missouri 64105-2118  
816/474-6550

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

Please make the below-indicated amendments to the claims. Material enclosed by brackets is to be removed and material which is underlined is to be added.

**In the Claims**

Claims 1 and 12 have been amended as follows:

1. (Thrice Amended) A live well tank for use on a boat to hold fish, said tank comprising:

a bottom;

a sidewall section having first and second opposing ends, said sidewall section coupled with said bottom at said first end to define an interior compartment;

a top coupled with said second end of said sidewall section, said top forming an opening sized for receiving a fish, said top having an upper surface projecting inwardly from said sidewall section to cover a portion of said interior compartment;

a baffle coupled with said sidewall section having first and second surfaces, said first surface [baffle] extending generally horizontally from said sidewall section inwardly into said interior compartment, said second surface extending outwardly toward said sidewall section to form an upper section of said interior compartment between said baffle and said top; and

an overflow drain coupled with said sidewall section of said tank between said top and said baffle whereby said upper section [compartment] is capable of retaining water near said top of said compartment regardless of the movement of the boat so that sloshing within the compartment is minimized.

7. (Twice Amended) The livewell tank of claim 1, wherein said first surface [baffle includes a lower,] is generally planar [surface] and said second surface is [an upper,] curved [surface].

12. (Twice Amended) A livewell tank for use on a boat to hold fish, said tank comprising:

a bottom;

a sidewall section having first and second opposing ends, said sidewall section coupled with and upstanding from said bottom at said first end to define an interior compartment;

a top coupled with said second end of said sidewall section, said top forming an opening sized for receiving a fish, said top having an upper surface projecting inwardly from a portion of said sidewall section to cover a portion of said interior compartment; and

a baffle coupled with said sidewall section, said baffle having first and second surfaces, said first surface extending generally horizontally from said sidewall section inwardly into said interior compartment, said second surface extending outwardly toward said sidewall section to form an upper section between said baffle and said top whereby said upper section [compartment] is capable of retaining water near said top of compartment regardless of the movement of the boat so that sloshing within the compartment is minimized.

15. (Twice Amended) The livewell tank of claim 12, wherein said first surface [baffle includes a lower,] is generally planar [surface] and said second surface is [an upper,] curved [surface].